

In The Matter Of:
Marquis Tillman vs.
Clarke County, et al.

Marquise Tillman
August 20, 2021



Min-U-Script® with Word Index

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<p>1 THE UNITED STATES DISTRICT COURT 2 FOR THE SOUTHERN DISTRICT OF MISSISSIPPI 3 EASTERN DIVISION</p> <p>4 MARQUIS TILMAN PLAINTIFF</p> <p>5 v. CIVIL ACTION NO. 2:20-CV-10-KS-MTP</p> <p>6 CLARKE COUNTY, SHERIFF TODD KEMP, 7 IN HIS INDIVIDUAL AND OFFICIAL CAPACITY, 8 DEPUTY BENJAMIN IVY, IN HIS INDIVIDUAL 9 AND OFFICIAL CAPACITIES, AND DEPUTY 10 "JOHN DOES" 1-5, IN THEIR INDIVIDUAL AND 11 OFFICIAL CAPACITIES REPRESENTING DEPUTIES 12 OF THE CLARKE COUNTY SHERIFF'S DEPARTMENT 13 AND/OR OTHER EMPLOYEES, INCLUDING 14 SUPERVISORY OFFICIALS WHOSE IDENTITIES 15 ARE CURRENTLY UNKNOWN DEFENDANTS</p> <p>16 ORAL DEPOSITION OF MARQUISE TILLMAN</p> <p>17 Taken at the instance of the Defendants on 18 Friday, August 20, 2021, in the Winston-Choctaw 19 County Regional Correctional Facility, 2460 MS-25, 20 Louisville, Mississippi, beginning at 10:11 a.m.</p> <p>21 (Appearances noted herein)</p> <p>22 REPORTED BY: Kelly D. Brentz, CSR-MS, CSR-TX, RPR 23 AW Reporting, LLC 24 338 Indian Gate Circle 25 Ridgeland, Mississippi 39157 kelly@awreporting.com 601-573-0961</p>	<p>1 INDEX</p> <p>2 Style and Appearances..... 1</p> <p>3 Index..... 3</p> <p>4 Examination by Ms. Malone..... 4</p> <p>5 Examination by Mr. Smith..... 58</p> <p>6 Exhibit 1..... 43</p> <p>7 Exhibit 2..... 45</p> <p>8 Exhibit 3..... 46</p> <p>9 Exhibit 4..... 48</p> <p>10 Certificate of Deponent..... 64</p> <p>11 Certificate of Reporter..... 65</p>
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<p>1 APPEARANCES:</p> <p>2</p> <p>3</p> <p>4 JUSTIN SMITH, ESQ. 5 The Cochran Firm- MS Delta 6 Post Office Box 1487 7 Grenada, Mississippi 38902 8 mwiley@cochranfirm.com</p> <p>9 COUNSEL FOR PLAINTIFF</p> <p>10</p> <p>11 JESSICA S. MALONE, ESQ. 12 Allen, Allen, Breeand and Allen, PLLC 13 214 Justice Street 14 Brookhaven, Mississippi 39601 15 jmalone@aabalegal.com</p> <p>16 COUNSEL FOR DEFENDANTS</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 MARQUISE TILLMAN,</p> <p>2 having first been duly sworn, was examined and</p> <p>3 testified as follows, to-wit:</p> <p>4 EXAMINATION BY MS. MALONE:</p> <p>5 Q. Mr. Tillman, my name is Jessica Malone. I'm a</p> <p>6 lawyer and I represent Clarke County, Sheriff Kemp and</p> <p>7 Sheriff Kemp's county deputies that were involved in the</p> <p>8 pursuit and your arrest. And as far as I can tell from my</p> <p>9 records, that took place on March 21, 2019; is that right?</p> <p>10 A. Correct.</p> <p>11 Q. Okay. Have you ever given a deposition before?</p> <p>12 A. No, ma'am.</p> <p>13 Q. Okay. Have you ever testified in court before?</p> <p>14 A. No, ma'am.</p> <p>15 Q. Okay. Well, the court reporter just swore you</p> <p>16 in, so you're under oath just as you will be at trial when</p> <p>17 you take the stand.</p> <p>18 I will tell you that sometimes I'm not the best</p> <p>19 at asking questions. I might ask a crazy question, and if</p> <p>20 I do, just let me know that you don't understand the</p> <p>21 question and I will rephrase and try to ask a better</p> <p>22 question.</p> <p>23 We have to talk out loud, so "yes" and "no"</p> <p>24 instead of head nods, because she is taking everything we</p> <p>25 say down into a transcript. And then, should you need a</p>

<p style="text-align: right;">Page 5</p> <p>1 break at any time, let me know.</p> <p>2 And at some point, Mr. Smith, your attorney who</p> <p>3 is here today, may object to something. Unlike a</p> <p>4 courtroom, where a judge would decide if you answer or</p> <p>5 not, for the purposes of today, you can answer the</p> <p>6 question if you know the answer unless Mr. Smith tells you</p> <p>7 not to; okay?</p> <p>8 And then any question I might ask about</p> <p>9 conversations that you have had concerning the lawsuit, I</p> <p>10 don't mean conversations you have had with your lawyers</p> <p>11 because I know those are private and confidential; okay?</p> <p>12 All right. Could you state your full name for</p> <p>13 the record?</p> <p>14 A. Yes, Marquise Tillman.</p> <p>15 Q. Do you have a middle name, Mr. Tillman?</p> <p>16 A. Yes, Marquise Terrell Tillman.</p> <p>17 Q. Have you ever gone by any other names?</p> <p>18 A. No, just my name, Marquise Tillman.</p> <p>19 Q. Okay. What's your date of birth?</p> <p>20 A. 8/24/87.</p> <p>21 Q. So that makes you how old?</p> <p>22 A. Thirty-three.</p> <p>23 Q. And obviously you're incarcerated because we are</p> <p>24 here today at the Winston County Regional Correctional</p> <p>25 Facility. What sentence are you serving out here?</p>	<p style="text-align: right;">Page 7</p> <p>1 A. Yes, I took a plea.</p> <p>2 Q. Okay. Who was your attorney at the time?</p> <p>3 A. Kathy McNair.</p> <p>4 Q. And was that guilty plea taken in Clarke County</p> <p>5 Circuit Court?</p> <p>6 A. Yes, correct.</p> <p>7 Q. All right. Mr. Tillman, where are you from?</p> <p>8 A. Quitman, Mississippi.</p> <p>9 Q. And that's in Clarke County; correct?</p> <p>10 A. Correct.</p> <p>11 Q. Are you married?</p> <p>12 A. No, I am not.</p> <p>13 Q. Have you ever been married?</p> <p>14 A. No, ma'am.</p> <p>15 Q. Who are your parents?</p> <p>16 A. Debbie Tillman and Matthew Connor.</p> <p>17 Q. And where do they live?</p> <p>18 A. Matthew is deceased. He died like two months</p> <p>19 ago. My mama lives in Quitman.</p> <p>20 Q. I'm sorry to hear that. Do you have any</p> <p>21 children?</p> <p>22 A. Yes, I have three little girls.</p> <p>23 Q. Oh, goodness. I have a little girl, too.</p> <p>24 They're a lot of fun. Any of those children over the age</p> <p>25 of 18?</p>
<p style="text-align: right;">Page 6</p> <p>1 A. Aggravated assault.</p> <p>2 Q. How many years were you sentenced to for that</p> <p>3 charge?</p> <p>4 A. Twelve years.</p> <p>5 Q. And you have served about how long so far?</p> <p>6 A. Probably a quarter of it.</p> <p>7 Q. And am I correct that that ag. assault charge</p> <p>8 arose out of the events on March 21, 2019? In other</p> <p>9 words, were you charged as a result of your arrest by</p> <p>10 Clarke County on March 21, 2019?</p> <p>11 A. Correct.</p> <p>12 Q. Do you know about when you were sentenced?</p> <p>13 A. December 19, 2019.</p> <p>14 Q. Were there other charges that resulted from the</p> <p>15 March 21st arrest?</p> <p>16 A. Yes.</p> <p>17 Q. What were those?</p> <p>18 A. Felony eluding.</p> <p>19 Q. Felony eluding, okay.</p> <p>20 A. Possession of a firearm.</p> <p>21 Q. And from what I can gather, those other two</p> <p>22 charges were dismissed?</p> <p>23 A. Correct.</p> <p>24 Q. Did you plead guilty to the aggravated assault</p> <p>25 charge?</p>	<p style="text-align: right;">Page 8</p> <p>1 A. No.</p> <p>2 Q. And other than Tillman and Connors, are there</p> <p>3 any other family -- any other family names in that Clarke</p> <p>4 County area of folks you're related to, last names?</p> <p>5 If you don't know, that's fine. But I will tell</p> <p>6 you why I'm asking. We're going to go to trial and your</p> <p>7 attorneys are going to get to pick a jury and I'm going to</p> <p>8 get to --</p> <p>9 A. Yes.</p> <p>10 Q. -- help pick a jury, and you don't want a bunch</p> <p>11 of Malones on the jury in case they're related to me;</p> <p>12 right? So we don't want a bunch of Tillmans from Clarke</p> <p>13 County in case they're your family on the jury either.</p> <p>14 A. Wallaces.</p> <p>15 Q. All right. Anybody else?</p> <p>16 A. Davis.</p> <p>17 Q. All right. Wallaces, Davises, Tillmans,</p> <p>18 Connors. Anybody else?</p> <p>19 A. No, ma'am.</p> <p>20 Q. Okay. How far did you go in school?</p> <p>21 A. Ninth.</p> <p>22 Q. And where did you attend ninth grade?</p> <p>23 A. Quitman High School.</p> <p>24 Q. Lived any other place other than Quitman?</p> <p>25 A. No, ma'am.</p>

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1 Q. Since Quitman High School, have you completed
2 any GED programs?
3 A. No, ma'am.
4 Q. Were you working in March of 2019?
5 A. No, ma'am.
6 Q. Prior to this aggravated assault charge, had you
7 had any other criminal charges?
8 A. Yes, ma'am.
9 Q. What were those?
10 A. Selling cocaine.
11 Q. And that was out of where?
12 A. West Virginia.
13 Q. Were you convicted of that charge?
14 A. Yes, as well as conspiracy to distribute
15 cocaine.
16 Q. Did you serve any time for those charges?
17 A. Yes.
18 Q. About how much?
19 A. Like altogether, I probably served about a
20 quarter of that -- about two and a half years.
21 Q. Any other charges prior to that?
22 A. No.
23 Q. All right. I want to talk about March 21, 2019,
24 and let's just start with what time did your day start on
25 March 21st?

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1 A. Approximately 1:30.
2 Q. 1:30 p.m.?
3 A. Yes.
4 Q. What were you doing that day?
5 A. I was leaving Sunflower, the grocery store,
6 picking up a Western Union.
7 Q. You were picking up some money from Western
8 Union?
9 A. Yes.
10 Q. What was the money for?
11 A. Do I have to answer that? Kids.
12 Q. Kids? Okay. So you're leaving Sunflower about
13 1:30 p.m., and that is where exactly? Where is that
14 grocery store located?
15 A. Probably less than a half mile from the
16 sheriff's department.
17 Q. All right. And then after you left Sunflower,
18 where did you go?
19 A. I fastened my seatbelt -- got in my car,
20 fastened my seatbelt, pulled out of Sunflower.
21 Q. Okay. And then what?
22 A. I made it to the red light.
23 Q. What happened at the red light?
24 A. That's when Ben Ivy passed me -- he turned in,
25 passed me at the red light.

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1 Q. And just for the record, Ben Ivy is a Clarke
2 County sheriff's deputy?
3 A. Yes.
4 Q. And after he passed you, what did he do?
5 A. I went right across to the store. He looped
6 around in the Sunflower parking lot and just sat there and
7 watched me.
8 Q. He watched you from the Sunflower parking lot?
9 A. From like an area off in there behind the
10 drugstore -- the drugstore and the Sunflower. The grocery
11 store is like combined together, so they have different
12 open space where you can park and see the main highway and
13 across to the stores.
14 Q. Okay. And then what happened right after that?
15 A. I stayed in my car. I called somebody and I was
16 like, "Ben just turned around and he over there parked
17 across by Sunflower. I don't know what he on."
18 So I went on across -- I put the car back in
19 drive and went across to the other store, which is the new
20 store we have across from Sunflower and the drugstore;
21 that's when he pulled off and just went his way.
22 Q. Did he turn his lights on or siren on?
23 A. Not at that moment.
24 Q. So at that point, he was not trying to pull you
25 over?

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1 A. No.
2 Q. All right. So you went across to the new store.
3 What store is that?
4 A. I want to say Go Mart.
5 Q. Go Mart?
6 A. I don't recall for sure.
7 Q. Sure. And then after you went over to Go Mart,
8 where did you head to?
9 A. I went in the store, paid for 13 dollars' worth
10 of gas and bought a pack of Kool cigarettes.
11 Q. And after you went to Go Mart, where did you
12 head after that?
13 A. I came out the store, pumped the gas, threw the
14 cigarettes on the passenger's side seat, got back in the
15 car, fastened my seatbelt, pulled out the store, made it
16 to -- back to the stop for the red light. That's when I
17 went uptown. That's when I seen Ben passing like three,
18 four cars to get to me.
19 Q. Okay. So you saw him a second time?
20 A. Correct.
21 Q. And he passed three or four cars to get to you.
22 Did he have lights and sirens on then?
23 A. Yes, correct.
24 Q. And then what did you do?
25 A. I went on up towards town. I made a left at the

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1 Shell Station, the last store after you're coming out of
2 Quitman before you get ready to go up towards 45 to get on
3 the four-lane. I took a left, stopped the car, put it in
4 park.

5 That's when he came to the car. Before he got
6 ready to come to the car, I was like, "What's" -- he said
7 something. I'm like, "What's going on, Ben?"

8 He was like, "You know what's going on." By
9 then, I was like, "No, I don't." I said, "Well, I'm
10 fixing to pull up here. There goes my dad."

11 That's when I seen my dad turning in by the stop
12 sign and I'm fixing to pull up here by my dad. That's
13 when everything initially started, the chase.

14 Q. Okay. So he said, "You know what's going on."
15 You were going to pull up by your dad. What were you
16 driving that day?

17 A. I think a 2019 Nissan Sentra.

18 Q. Was that your car?

19 A. Rental car with a Texas license plate.

20 Q. Where did you rent that car from?

21 A. My fiancée rented it for me.

22 Q. Who was your fiancée at the time?

23 A. Felicia McBride.

24 Q. Any particular reason why you needed a rental
25 car that day?

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1 A. That's how I was getting around, didn't have my
2 own vehicle.

3 Q. Okay. So did you ever pull up and talk with
4 your dad?

5 A. Yes, I actually stopped at the stop sign.

6 Q. And what did you and your dad discuss?

7 A. I told him that -- to turn around and follow me
8 to his house because Ben's behind me messing with me.

9 Q. So you knew who Ben Ivy was?

10 A. Everybody does.

11 Q. How did you know Ben Ivy?

12 A. He done did so much -- like he did so much to
13 people. He -- everybody know him.

14 Q. Had he ever arrested you before?

15 A. No, he hadn't.

16 Q. I mean, did you have any sort of personal
17 disagreement with Ben Ivy at the time?

18 A. No.

19 Q. All right. So you asked your dad to follow you.
20 And then what happened?

21 A. That's when I went on up. My dad turned around
22 like he was turning around in the church, which is
23 Chaparral Baptist Church, so that's when Ben kept on
24 following me. Then the siren, and I was just -- I got
25 scared. I'm scared of -- I'm pretty scared of him.

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1 And that's when I just said, "I'm not going down
2 there. I'm just going -- he's just got to catch me."

3 Q. All right. So did he have blue lights on?

4 A. He was hitting the siren noise.

5 Q. So you knew he was trying to pull you over, in
6 other words?

7 A. (Nodded.)

8 Q. Is that a "yes"?

9 A. Yes.

10 Q. And where did you head after he turned his siren
11 on?

12 A. Went -- come down Thompson Avenue, went across
13 the back -- went across the main highway, went up
14 towards -- which is the Head Start and by the ballpark,
15 the complex, and I took a left which brought me back on
16 the back road, which we call the Radio Station Road.

17 And that brung me out towards the main highway
18 by what we call the Quail Run Apartments. That will lead
19 you up to 45 and take you to the four-lane like going
20 towards Meridian, Mississippi.

21 Q. Okay. And Ben Ivy was still behind you?

22 A. Correct.

23 Q. Anybody else pursuing you at that point other
24 than Ben?

25 A. No, just Ben behind me at that point.

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1 Q. Did you see any other officers in Ben's car?

2 A. No, but I seen them coming.

3 Q. Okay. So some other officers joined the pursuit
4 at some point?

5 A. Correct.

6 Q. Do you know who those officers were?

7 A. Ben -- it was Ben Ivy, Anthony Chancelor, Joey
8 Mosley (sic). I can't recall his name. He's chief of
9 police right now for the City of Quitman.

10 Q. Okay. So in addition to Clarke County -- in
11 addition to Clarke County Sheriff's Department pursuing
12 you, the chief of police for Quitman was involved, too?

13 A. Yes, correct.

14 Q. And at this point, where are you and what
15 direction are you headed in?

16 A. I'm headed towards 45, the four-lane.

17 Q. Did you get onto 45?

18 A. Yes, I got onto the main -- the four-lane.

19 Q. About how fast were you going?

20 A. Anywhere from 90 to 100, 108 miles per hour.

21 Q. And earlier you said you didn't want to pull
22 over because you were scared of Ben, but at some point,
23 with all these other officers and all these other
24 potential, you know, witnesses, I guess, you know, what
25 made you decide to keep -- to keep going?

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1 A. Because he's known for doing stuff. He's known
2 for just doing straight dirty deeds. I was just pretty
3 scared of him. Everybody know him. I'm scared of him and
4 that's that. I didn't know what his motive was.

5 Q. So when y'all had that brief talk when he first
6 pulled up beside you, he didn't tell you why he was
7 looking for you?

8 A. No, ma'am.

9 Q. Did you ever find out why he was pursuing you?

10 A. In the motion discovery (sic), it said he got an
11 anonymous tip from a female, which didn't give their name,
12 said I was wanted by the U.S. Marshal, which was wrong,
13 which was a false accuse (sic). I was never wanted by the
14 U.S. Marshall at the time, and said I had an AR-15 on me.

15 Q. Did you have an AR-15 on you?

16 A. No, I did not.

17 Q. Did you have any firearms on you?

18 A. No, I did not.

19 Q. Earlier I think we -- did we talk about a felony
20 in possession of a firearm charge earlier?

21 A. That's correct. It wasn't mine.

22 Q. Okay. Whose was it?

23 A. I don't know. It was a rental car.

24 Q. So there was just a firearm left in the rental
25 car?

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1 A. I guess. They said they found a firearm. I
2 never seen the gun, never seen nothing -- on my motion
3 discovery, it wasn't never sent to the crime lab. I have
4 nothing stating that they took it to a crime lab, never
5 seen the gun in person.

6 I asked the lawyer to show me all that. I've
7 never seen it. In fact, they never showed me nothing.
8 I'm just going on what they stated they found.

9 Q. Okay.

10 A. A firearm.

11 Q. Do you even know what kind of firearm was
12 recovered from that car?

13 A. In the motion discovery, I think they said it
14 was a Taurus.

15 Q. Okay. And I'm not familiar with guns. Is that
16 a handgun?

17 A. I assume so.

18 Q. But you weren't aware that it was in the car?

19 A. Correct.

20 Q. All right. So the pursuing you on Highway 45,
21 about how long did that chase last?

22 A. Probably about --

23 Q. And you can tell me in terms of time or miles.
24 It matters not to me.

25 A. Probably was 15 to -- say a 20- to 25-minute

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1 chase -- about a 20-minute chase.

2 Q. And where did it come to an end?

3 A. When they started ramming me.

4 Q. Okay. And who rammed you?

5 A. Joey Mosley and a Lauderdale County police --
6 deputy sheriff's Charger was waiting up on 45, so when I
7 busted a left to get back onto the other side of the
8 four-lane, that's when they rammed me.

9 Q. Do you know whose car struck yours?

10 A. First, it was Joey Mosley's, which is Enterprise
11 chief deputy of police.

12 Q. Enterprise, Mississippi?

13 A. Yes.

14 Q. So he does not work for Clarke County?

15 A. No, he works for Enterprise. He have worked for
16 police in narcotics.

17 Q. Okay. So Joey Mosley -- are you saying Mosley?

18 A. Uh-huh.

19 Q. Okay. He made contact -- his patrol car made
20 contact with your Sentra. Then what happened?

21 A. It made me make contact with Anthony Chancelor.

22 Q. Okay. Knocked you into Chancelor?

23 A. That's correct.

24 Q. Did you recognize Anthony Chancelor?

25 A. Correct.

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1 Q. And what happened after you struck Deputy
2 Chancelor's car?

3 A. My car was still maintained and still be placed
4 on the highway, and I hit the gas, scared to death, and
5 that's when Joey Mosley speeded up and the rest of the
6 polices and they cut across the grass and stuff from the
7 four-lane. That's when Joey Mosley got beside me and
8 started ramming his Charger into me.

9 Q. All right. So Joey Mosley with Enterprise PD
10 struck you a second time?

11 A. Yes, correct.

12 Q. And then what happened?

13 A. Then after that, Anthony Chancelor came -- I
14 picked the rate of speed back up, and Anthony Chancelor
15 came and did like a maneuver pick from the -- hit me real
16 hard from the back and made me spin out of control and
17 lose control.

18 Q. And where did the car come to a stop?

19 A. On 45.

20 Q. And you were headed in what direction?

21 A. Like going back towards Quitman.

22 Q. And what part of the highway did you come to a
23 stop on?

24 A. The right side.

25 Q. Were you on the shoulder?

<p style="text-align: right;">Page 21</p> <p>1 A. Like right towards the grass, like off -- like 2 right off from the road a little bit. 3 Q. Okay. Was your car, I guess, damaged at that 4 point? 5 A. No, it wasn't nothing wrong with it until Ben 6 Ivy rammed -- his Dodge truck rammed the driver's side 7 door. 8 Q. Okay. So you come to a stop -- 9 A. Correct. 10 Q. -- in the grass on the right side of 45, and 11 what happened right after that? 12 A. Ben Ivy rammed his truck into the driver's side 13 door. 14 Q. Is Ben Ivy's truck a sheriff's department truck? 15 A. It was a Dodge. 16 Q. What color? 17 A. Blue. 18 Q. Did it look like a personal truck or could you 19 see his sheriff's department -- 20 A. It didn't have no sheriff on it. It's got a 21 light and it just light up like a Christmas tree. 22 Q. Okay. Were you hit when his car struck yours -- 23 when his truck struck your driver's side door? 24 A. I actually jumped out on the passenger's side. 25 I had a cast on my right leg, so when I got out on the</p>	<p style="text-align: right;">Page 23</p> <p>1 ground? 2 A. Yes, immediately, I got out with my hands in the 3 air, which was Anthony -- which if -- which the camera 4 will show that; Ben, right here on the side of the 5 driver's side door; Anthony Chancellor's Tahoe was behind 6 me all the way up towards my trunk, so -- and then the 7 other trucks and cars that's like on the front of the -- 8 on the front of the -- in the front part beside the one 9 all on the interstate. So all cameras should see that, 10 soon as I get out the passenger's side of the car, my 11 hands immediately was in the air and I laid straight down 12 on my stomach. 13 Then I said -- when I laid down, I said, "I 14 can't really breathe." That's when Ben come running 15 around and Anthony Chancellor, and they was like, "You son 16 of a bitch." That's when they started beating me -- they 17 put me in handcuffs and started beating me. 18 Q. Okay. So let's kind of walk this back. Who's 19 the first person that came up on you after you laid down 20 on the ground? 21 A. If I can recall, it was like all three of them: 22 Joey Mosley, Anthony Chancellor and Ben Ivy. 23 Q. And they said, "You son of a bitch"? 24 A. Yeah. They placed me in handcuffs first. 25 Q. Who put you in handcuffs?</p>
<p style="text-align: right;">Page 22</p> <p>1 passenger's side, I immediately raised my hands up in the 2 air and laid straight down on the ground, like 3 immediately, saying, "I surrender." 4 But before -- before -- right when Ben hit the 5 truck, that's when -- before he -- right when Ben hit the 6 truck, as I'm getting out the car on the passenger's side, 7 Anthony Chancellor is shooting the tires out on the car. 8 Q. Okay. Explain to me when the shots were fired. 9 In between when? 10 A. When Ben hit the car, Anthony Chancellor started 11 shooting the tires out. 12 Q. So at that point, your car is inoperable? 13 A. Yeah, my car then -- it shut down -- when he hit 14 the car, immediately the -- since -- it killed the whole 15 car. 16 Q. And it was clear to you that Chancellor was 17 aiming for the tires; he was not shooting at you? 18 A. I just know the tires -- all the -- I just heard 19 him popping them tires. 20 Q. In other words, you were not -- you did not feel 21 like a firearm was pointed at you? 22 A. Oh, yeah, they were pointed at me, but I seen 23 him shooting with my own two eyes. 24 Q. Sure. And after he shot the tires, Ben Ivy had 25 struck your driver's side door. You got out, laid on the</p>	<p style="text-align: right;">Page 24</p> <p>1 A. I can't recall because I'm facedown on my face 2 with my hands stretched out in front of me. I'm laid 3 down, so I can't really even recall which one placed the 4 cuffs on me. 5 Q. So they weren't behind your back? 6 A. They was behind my back, their feet on my back 7 and their elbow on my neck. 8 Q. Okay. After you're handcuffed, what happened? 9 A. They started beating me. 10 Q. All right. Who hit you first? 11 A. Ben Ivy, I know. 12 Q. Where did he hit you? 13 A. In my right eye -- both of them; they're still 14 like that to this day. That's why I got them black marks 15 on them. 16 Q. Got hit in both your right and left eyes? 17 A. Yeah, right face. 18 Q. Ben was hitting you with an open hand or closed 19 fist? 20 A. I can't -- I can't recall. I just know he was 21 beating me. 22 Q. All right. So Ben hit you in your right eye, 23 and who else hit you? 24 A. I can't recall who else hit me because, like I 25 said, I was laying facedown. But I can recall them three,</p>

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1 Joey Mosley, Anthony Chancelor and Ben Ivy, the ones --
2 before everything went black, before they knocked me out,
3 I can remember both -- all three of them -- and I could
4 hear Ben saying, "You son of a bitch." That's when they
5 went to work.

6 Q. All right. What did Anthony Chancelor do to
7 you?

8 A. I can't recall what he did.

9 Q. But I guess I'm wondering how you're certain
10 that he hit or threw a punch or -- if you couldn't see?

11 I know you said you saw Ben strike you on the
12 right side, but, you know, I guess, what could you see
13 then?

14 A. I could see -- I could see all three of them
15 there --

16 Q. Okay.

17 A. -- before I went out kind of.

18 Q. They were all three standing over you?

19 A. One had their feet on my back. One had like
20 down -- had his hand on my neck. And the other one was
21 putting the cuffs behind my back. And that's when they
22 said -- that's when Ben said, "You son of a bitch," and
23 started beating me.

24 Q. Who had a hand on your neck?

25 A. It had to be either Joey Mosley or Anthony

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1 started -- they started beating me. I can't recall
2 because I was kind of -- I went out kind of. That's how
3 bad they were hitting me. I lost focus and consciousness,
4 so I really can't recall what else they did to me. I just
5 know they did -- he started off beating me.

6 Q. And when you say "beating," throwing punches or
7 some other kind of injury?

8 A. Yeah, the first one went straight to my eye,
9 straight to my eye.

10 Q. Okay. Take any other hits to the eye after that
11 first one?

12 A. Yeah.

13 Q. Who was striking you at that point after that?
14 I know the first time was Ben Ivy, but who would have been
15 hitting your --

16 A. It was only three officers that I know that,
17 like I said, I can recall seeing there and knowing that's
18 got hands on me, which was --

19 Q. Sure.

20 A. -- one on my -- feet on my back, one retaining
21 my -- pinning me down to make sure I don't try to get up
22 or do nothing outrageous, and I know for a fact Ben was
23 there, which -- it could have been one of the three --
24 either one placed the cuffs on me, but I know I recall Ben
25 started off.

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1 Chancelor. Those are the only three officers I seen when
2 I laid down on the ground. I can recall them three right
3 there -- being right there. I can see them very clear.

4 Q. And they -- is it possible that Joey and Anthony
5 just held you down and Ben was the only one striking you
6 or are you not sure?

7 A. Yeah, that's very possible.

8 Q. About how many hits to the face do you recall?

9 A. Like I said, it kind of knocked me out, but I
10 know I got medical records from -- they had to shoot me to
11 the University of Jackson. My face -- my right eye socket
12 was fractured and my right face was fractured and my chest
13 bone was fractured real bad.

14 Q. And you didn't receive any of those injuries in
15 the sort of pursuit --

16 A. No, ma'am.

17 Q. -- hitting your vehicle with --

18 A. I have --

19 Q. -- other cars and such?

20 A. I have all forms from the Enterprise rental car,
21 wasn't no airbags deployed, no windows knocked out, no
22 nothing.

23 Q. We talked about hits to the face. Anywhere else
24 on your body that somebody struck you?

25 A. Like I said, after -- I know for a fact he

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1 Q. Okay. Who had their foot on your back? Do you
2 know?

3 A. I can't recall that.

4 Q. And for the most part, these were blows to your
5 face?

6 A. Yes, ma'am, correct, both of my eyes, my right
7 face -- right side of my face.

8 Q. How did your chest get injured?

9 A. I have no idea. I don't know -- they -- like I
10 said, they kind of knocked me unconscious for a few
11 minutes, so I don't know if they were kicking me or what
12 they did. I just can recall what I'm telling you --

13 Q. Okay.

14 A. -- that I remember.

15 Q. When you came to, what's the first thing you can
16 remember?

17 A. Getting up off the ground and seeing Todd Kemp
18 and Gary Kelly and a lot of more police officers, and my
19 whole face just numb and my eye closed and my face just
20 numb and tingling and I couldn't breathe. I kept telling
21 them, "I can't breathe, I can't breathe."

22 Q. And you were up off the ground at that point?

23 A. They had me up. They was holding me, like three
24 or four officers and everybody was around. They were
25 holding me up. That is when they placed me in the K9

1 Tahoe with Clarke County Sheriff's Department on it and
2 took me -- immediately drove like 90 miles per hour all
3 the way to the county jail, cussing me out, the driver --
4 a young police -- I can't recall his name -- calling me
5 "stupid motherfucker" and stuff like that.

6 Then once I made it to the county jail, that's
7 when they threw me straight in the cell. They didn't book
8 me in or none of that.

9 Q. All right. You said when you got up off the
10 ground, you saw Sheriff Kemp. Did you say anything to
11 him?

12 A. No.

13 Q. Did he say anything to you?

14 A. No, I couldn't. My face was so -- I couldn't
15 talk. I was numb, like I couldn't even -- my face was
16 like -- felt like it was broke. I couldn't do -- I
17 couldn't talk if I wanted to.

18 Q. Yeah. Let's kind of back up to when you were on
19 the ground and you said Mosley and Chancellor and Ivy were
20 around; could you see any other officers gathered around
21 there?

22 A. No, they knocked me out.

23 Q. Do you know if any other officers were
24 witnessing that? I mean, could you see --

25 A. I can't say I know because I was out.

1 Q. Okay.

2 A. But I can recall --

3 Q. Sure, sure.

4 A. -- a lot of them being on the chase with me.

5 Q. Sure. But after the chase came to an end,
6 you're not -- you didn't see exactly who was around on the
7 scene; is that fair?

8 A. Yes.

9 Q. Okay. Now, so you see Kemp. You get loaded up,
10 taken by an officer who you don't -- you can't recall who
11 it was, thrown into a cell. At that point, what was
12 injured?

13 A. They had cut the water off in my right eye, my
14 right face, and I couldn't breathe and my chest was having
15 bad sharp pain, and that's when the guard came. They
16 opened the door up like with their Tasers and stuff and
17 they was like, "Get his ass" -- Barry White, the jail
18 administrator, he said, "Get his ass down to the
19 hospital." I can recall him saying that, "Get his ass
20 down to the hospital."

21 Q. Okay.

22 A. That's when they hurried up and rushed me to the
23 hospital. And they locked the entrance off, couldn't
24 nobody get in, my family, nobody. They wouldn't let my
25 mom, dad, auntie, nobody see me.

1 Q. Okay. What did they treat you for at the
2 hospital?

3 A. They didn't treat me. They said they couldn't
4 treat me. I sustained too bad of an injury. They had to
5 shoot me to the University of Jackson immediately.

6 Q. All right. How did you get to UMC? Who
7 transported you?

8 A. The ambulance and a jail deputy.

9 Q. What did they do for you at UMC?

10 A. They -- like when I first got there, I don't
11 know. I just know they did all kind of -- put me to sleep
12 and they X-rayed me. They was going to have surgery.
13 They wouldn't let me eat for 24 hours.

14 A nurse come in, wiped me all the way down, put
15 a gown on me. The doctor come in and talked to me, went
16 through the steps of him -- me having the surgery, having
17 to cut my face, and he told me I'm very lucky. He kept
18 telling me I'm very lucky because I'm really messed up.
19 And they come and were taking the little tweezers --
20 wetting my eyelashes because this -- my whole eye was
21 stuck inside like that. And every day they come so many
22 hours and clean it and pick it back out, you know. But
23 all of a sudden, the surgery didn't come.

24 Q. So you didn't end up having the eye surgery?

25 A. I didn't end up having the surgery. They

1 just -- I don't know what happened with all of that. I
2 just know I stayed two more days. They recasted me up,
3 gave me pain medicine, did what they did, and sent me back
4 to the county jail, which I was placed back in a cell by
5 myself again.

6 And I asked the jail administrator -- I said,
7 "Could you please get somebody from the back up here,
8 anybody that can help see to me until I can at least get
9 out of here?"

10 Because I couldn't move. I couldn't even get in
11 bed. I had to be -- I was in a wheelchair, had a right
12 cast and I had a whole brace on the left side of my leg.
13 I couldn't move or nothing.

14 And he did that. He went and got -- they went
15 and got somebody from the back and placed them in the cell
16 with me, which was a guy named David Marshall.

17 Q. And that was another prisoner?

18 A. Yes.

19 Q. About how long were you in that cell with David
20 Marshall?

21 A. For like -- I'd say like 24 hours, might have
22 been a day and a half or -- I know every bit of 24 hours.
23 That's when the judge came into the jailhouse and set me a
24 bond. They wouldn't let me go to the courthouse because I
25 was too messed up, so they made him come to the county

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<p>1 jail and give me a bond, keep from people seeing me. The</p> <p>2 judge, which was Terry Bonner.</p> <p>3 Q. Terry Bonner?</p> <p>4 A. That's correct.</p> <p>5 Q. Let me ask you about this cast. They put a cast</p> <p>6 and a brace on you; what was that?</p> <p>7 A. A cast was -- they put the brace on my left</p> <p>8 side -- on my left leg and they put like on a -- what they</p> <p>9 call them -- splints like --</p> <p>10 Q. Splint?</p> <p>11 A. Yeah.</p> <p>12 Q. Where did that go?</p> <p>13 A. Just on my right side of my leg.</p> <p>14 Q. Right side of your right leg or left?</p> <p>15 A. Right leg.</p> <p>16 Q. And they recasted you?</p> <p>17 A. Uh-huh.</p> <p>18 Q. That was your left leg?</p> <p>19 A. Right leg.</p> <p>20 Q. Right leg?</p> <p>21 A. That's correct.</p> <p>22 Q. What was the leg that had already had the cast</p> <p>23 on it?</p> <p>24 A. I had already previously been in a bad</p> <p>25 accident -- bad car wreck.</p>	<p>1 about the car wreck that you had before March 2019 --</p> <p>2 A. That was --</p> <p>3 Q. -- where you hurt your leg?</p> <p>4 A. Nothing.</p> <p>5 Q. So you just hurt your leg in that car accident?</p> <p>6 A. No, it was already hurt.</p> <p>7 Q. Yes, sir. Let's ask this a different way. When</p> <p>8 was the car accident you were in prior to March 2019?</p> <p>9 A. Probably like five months before this incident,</p> <p>10 four months before this incident.</p> <p>11 Q. Okay, four or five months. Where did that</p> <p>12 accident take place?</p> <p>13 A. On 513.</p> <p>14 Q. Is that in Clarke County?</p> <p>15 A. Yes.</p> <p>16 Q. And what were you driving at the time?</p> <p>17 A. I wasn't driving.</p> <p>18 Q. You were not the driver. What happened in that</p> <p>19 accident that caused it?</p> <p>20 A. They just lost control.</p> <p>21 Q. Was the driver -- the driver of the car you were</p> <p>22 in lost control or another car?</p> <p>23 A. Yes, the driver of the car I was in.</p> <p>24 Q. Okay. Who was driving that car?</p> <p>25 A. Derek.</p>
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<p>1 Q. And what injuries did you have from that car</p> <p>2 wreck?</p> <p>3 A. Just -- I had already had it stapled and screws</p> <p>4 and rods -- I got a metal plate in my right side of my</p> <p>5 leg. It just kind of bruised it up real bad, like kind of</p> <p>6 making it to where the plate was dis -- trying to</p> <p>7 dislocate my bones -- re-dislocate my bones, so they</p> <p>8 secured it and put a -- what they call a splint on it.</p> <p>9 Q. And that was your -- which leg?</p> <p>10 A. Right leg.</p> <p>11 Q. Okay. And did you have a cast on the right leg?</p> <p>12 A. A splint, cast, whatever they call it.</p> <p>13 Q. Okay.</p> <p>14 A. Splint.</p> <p>15 Q. I'm thinking of like those old-school plaster</p> <p>16 casts. Did you have one of those?</p> <p>17 A. Huh-uh.</p> <p>18 Q. Okay. I don't guess they put those on people</p> <p>19 anymore.</p> <p>20 What other injuries did you have from that car</p> <p>21 accident?</p> <p>22 A. That mainly was it, my eyes, right side of my</p> <p>23 face and my chest -- my chest.</p> <p>24 MR. SMITH: She's --</p> <p>25 Q. (By Ms. Malone) Yeah, I was actually asking</p>	<p>1 Q. What's Derek's last name?</p> <p>2 A. I don't even know the last name.</p> <p>3 Q. And where were y'all headed when that accident</p> <p>4 occurred?</p> <p>5 A. Stonewall.</p> <p>6 Q. Were there any other cars involved in that</p> <p>7 accident?</p> <p>8 A. Huh-uh.</p> <p>9 Q. All right. So the driver lost control of the</p> <p>10 car and then what happened? Did the car strike anything?</p> <p>11 A. It hit like limbs, bushes.</p> <p>12 Q. Did law enforcement respond to that accident?</p> <p>13 A. I went to the hospital. They ain't never said</p> <p>14 nothing about nothing or nothing.</p> <p>15 Q. How did you get to the hospital after the car</p> <p>16 accident?</p> <p>17 A. Some people took me.</p> <p>18 Q. Who took you?</p> <p>19 A. A little girl -- lady named Chesery Hamilton.</p> <p>20 She had passed by, and they took me to the hospital.</p> <p>21 Q. And what hospital did you go to?</p> <p>22 A. Watkins Memorial, which is in Quitman,</p> <p>23 Mississippi.</p> <p>24 Q. What did they do for you at Watkins Memorial?</p> <p>25 A. Nothing. They just -- they didn't do nothing.</p>

1 Q. Okay. Did they take any X-rays?
 2 A. I think they did take X-rays.
 3 Q. Were they the ones that put your splint on?
 4 A. Huh-uh, Lauderdale.
 5 Q. Okay. So you go to Watkins Memorial. Did they
 6 keep you overnight?
 7 A. Huh-uh, they sent me to -- they referred me to
 8 Rush -- Rush Hospital.
 9 Q. Is that the one in Lauderdale?
 10 A. Uh-huh.
 11 Q. What did they do for you at Rush Hospital?
 12 A. Just kept me there and they went through my leg
 13 that was already -- the one that had the plate in it to
 14 check it to make sure everything was still stable with the
 15 plates and rods and screws I have in it.
 16 Q. So did you have those plates and rods and screws
 17 prior to this car accident you were in with Derek?
 18 A. Yes, I already had them.
 19 Q. Okay. Where did those come from? How did you
 20 get those put in your leg?
 21 A. An accident that happened in West Virginia.
 22 Q. When was that?
 23 A. Probably about 2014 or '15 -- probably like '15.
 24 Q. And how did your leg get injured in that
 25 accident?

1 A. I jumped down from a high, like, building and
 2 landed awkward.
 3 Q. Were you being pursued by somebody at that --
 4 A. No, ma'am.
 5 Q. So that jump from the high building, that didn't
 6 involve law enforcement at all?
 7 A. No, ma'am, correct.
 8 Q. Okay. So at Rush, they made sure everything was
 9 still in place?
 10 A. Uh-huh.
 11 Q. Did they do anything else for you?
 12 A. Huh-uh.
 13 Q. Did they put the splint on you at Rush?
 14 A. Yes, correct.
 15 Q. How long were you to wear that? Did they tell
 16 you how many months to wear it?
 17 A. I can't remember that.
 18 Q. But you were wearing it on March 21st when you
 19 were arrested, is that right, the splint?
 20 A. Yes.
 21 Q. Okay. Now let's fast-forward. I want to talk
 22 some more about what injuries you think you got as a
 23 result of the force that was used to arrest you. Right
 24 side of your face?
 25 A. Uh-huh.

1 Q. You mentioned a fracture. Your chest was
 2 fractured?
 3 A. Might have been broke -- some bones might have
 4 been broken, too. I can recall fracture. I think some of
 5 them was broke, too, like the ones on my face, but like I
 6 said, the records is going to show it from the University.
 7 Q. Sure.
 8 A. We should have this on there.
 9 Q. How long were you at University?
 10 A. Four days.
 11 Q. What all did they do for you there? How did
 12 they treat your injuries?
 13 A. They treated me pretty good. They just -- they
 14 pulled back on the surgery. For what reason, I don't
 15 know. But they -- he come in every day and he kept
 16 telling me I'm going to have to have surgery.
 17 Q. But at some point, somebody must have changed
 18 their mind about surgery?
 19 A. I imagine so.
 20 Q. So you mostly said they had doctored on that eye
 21 while you were at University?
 22 A. They kept a check on my chest and had me hooked
 23 up to the machine.
 24 Q. Okay.
 25 A. Yeah, they monitored my face and my eating.

1 Q. So after you were discharged, you came back to
 2 the jail?
 3 A. Correct.
 4 Q. And you mentioned you were taken care of by
 5 another inmate. How long were you in Clarke County jail?
 6 A. At the most, probably a day and a half, no more
 7 than two days.
 8 Q. Did you bond out?
 9 A. Yes, I bonded out.
 10 Q. You mentioned something about discovery earlier.
 11 That was in -- that was in your criminal case about the
 12 aggravated assault charge?
 13 A. It was -- I was charged with more than that. It
 14 was with all charges, but, yes.
 15 Q. Yes, sir. But there was something you said you
 16 saw in discovery. I can't remember what you were trying
 17 to tell me, something in discovery in your criminal case
 18 that you mentioned and I'm drawing a blank now. If I
 19 remember, I will come back to it.
 20 All right. So I'm going to just kind of go
 21 through one by one because there are several people named
 22 in your complaint and I just want to hear -- I know that
 23 these lawsuits are drafted by your lawyers and I don't
 24 want to hear about conversations that y'all had, but I do
 25 kind of want to hear from you in your own words about why,

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1 you know, you want to sue all these folks.
2 What are you saying that Sheriff Kemp did to
3 you?

4 A. Well, from my knowledge, he's supposed to have
5 got on his radio and told law enforcement, which was, I
6 don't know, the Clarke County or Lauderdale County, "When
7 y'all catch that nigger, y'all beat that nigger."

8 Instead of him sending it to the deputy, it went
9 across the scanner where I live.

10 Q. So were you actually able to hear that or
11 somebody else heard it?

12 A. Somebody else heard it.

13 Q. Do you know who that was that heard it on the
14 scanner?

15 A. A lot of people.

16 Q. Can you give me some names?

17 A. I will get their names for you. I will get it
18 back to my lawyer.

19 MS. MALONE: Is that something y'all can provide
20 in your interrogatory responses, Justin?

21 MR. SMITH: Yeah, I should be able to.

22 Q. (By Ms. Malone) Because I don't have any -- I
23 have been through the audio traffic from that chase and I
24 don't hear anything like that. So if you can come up with
25 some names of folks in the community that heard that come

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1 A. -- where he came and helped pursue the chase. I
2 don't think he was never just right there in direct --
3 right there on the scene and set when everything was
4 really taking place. I think Evans -- that's Ryan Evans,
5 he's an investigator.

6 Q. Okay.

7 MS. MALONE: I want to mark this.

8 (Exhibit 1 marked for identification and
9 attached hereto.)

10 MS. MALONE: You guys have gotten some
11 statements from our officers. I'll let you look at
12 it before I hand it to him. This is Ryan Evans'
13 statement.

14 MR. SMITH: Okay.

15 (Pause.)

16 Q. (By Ms. Malone) Have you seen documents that we
17 provided to your attorney? Have they shared those with
18 you?

19 A. No, I need all of these.

20 Q. Okay. That -- that's --

21 MS. MALONE: Did you mark it A or 1?

22 THE REPORTER: 1.

23 Q. (By Ms. Malone) Okay. That's Exhibit 1.
24 That's a statement from Ryan Evans, and it kind of sounds
25 like consistent with -- to me with what you recall, that

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1 across the scanner, I would be very interested to know who
2 they are.

3 Then we talked about Ben Ivy quite a bit. He's
4 the person that you know struck your right side of your
5 face. Any other reason why you're suing Ben Ivy?

6 A. Just police brutality.

7 Q. Okay. How about Deputy Chancellor?

8 A. Same for all of them.

9 Q. What about Deputy Evans, do you remember in
10 particular what he did at the scene?

11 A. Who?

12 Q. Deputy Evans.

13 (Pause.)

14 Q. Do you know who that is?

15 A. I'm trying to recall. I know that name. Was he
16 an investigator?

17 Q. Let me --

18 A. He wasn't even really just -- he came last. He
19 wasn't -- they just place -- they do like -- they just
20 will place people on the case like -- it's kind of -- it's
21 so corrupted right down there, but he wasn't never -- he
22 came to the chase late and I think he stated that in those
23 motion discoveries right there you have got in your
24 hand --

25 Q. Uh-huh.

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1 he just kind of came up after the chase was over and you
2 were on the ground.

3 A. Okay. That's who transferred me, Tombstone
4 (sic).

5 Q. Touchstone?

6 A. Touchstone, yeah, whatever.

7 (Pause.)

8 Q. I mean, according to Evans, he didn't see any
9 force. You know, there's nothing really remarkable in
10 there. He just recalls you being already secured and on
11 the ground.

12 I mean, do you have any reason to dispute that,
13 that Evans would have seen something or been in position
14 to prevent the force?

15 A. If he was, I'm pretty sure he was going to go
16 with the law officers -- his fellow deputies, if he did.
17 That's the way they run things.

18 Q. Right. But, I mean, you don't have any evidence
19 that he was there earlier in time than when he said he was
20 or that he saw anything or that he could have done
21 something to prevent it?

22 A. Correct.

23 Q. Okay. And as far as I can tell, Deputy
24 Touchstone was the officer who transported you; is that
25 your understanding from reading the document I just handed

<p style="text-align: right;">Page 45</p> <p>1 you?</p> <p>2 A. Yes, it is.</p> <p>3 (Pause.)</p> <p>4 Q. Just looking to see if I have anything from</p> <p>5 Touchstone.</p> <p>6 MS. MALONE: Mark that No. 2.</p> <p>7 (Exhibit 2 marked for identification and</p> <p>8 attached hereto.)</p> <p>9 MS. MALONE: This is the statement of Deputy</p> <p>10 Austin Touchstone.</p> <p>11 Q. (By Ms. Malone) I will just give you a minute</p> <p>12 to read over that.</p> <p>13 (Pause.)</p> <p>14 Q. Do you mind just kind of reading into the record</p> <p>15 that last part of the statement that starts, "I arrived at</p> <p>16 the scene"?</p> <p>17 A. "I arrived at the scene of the final resting</p> <p>18 place of the pursuit near Circle (sic) 344 and the subject</p> <p>19 was in custody. I then transported the black male to the</p> <p>20 Clarke County Jail."</p> <p>21 Q. And, again, it sounds like his statement is</p> <p>22 similar to that of the prior deputy in that he says he got</p> <p>23 on the scene, you were already in custody --</p> <p>24 A. Don't nobody want to put theirselves on the scene,</p> <p>25 that's what it sounds like. That's what the statements --</p>	<p style="text-align: right;">Page 47</p> <p>1 minute to read over that as well. Just let me know when</p> <p>2 you're done.</p> <p>3 (Pause.)</p> <p>4 Q. Okay. So, again, Agent Rawson says he's part of</p> <p>5 the pursuit obviously, and he gets on the scene and says,</p> <p>6 "Once I had eyes on the suspect, there were already</p> <p>7 several officers securing him."</p> <p>8 So based on this statement, he didn't see any</p> <p>9 force; he was not in a position to intervene in any force.</p> <p>10 Do you have any evidence to dispute this statement?</p> <p>11 A. No.</p> <p>12 Q. Okay. And it sounds as though Rawson here at</p> <p>13 the end says he's the one that pulled the pistol out of</p> <p>14 the passenger floorboard. Is that -- did you see him do</p> <p>15 that? Did you see the pistol being pulled out?</p> <p>16 A. (Shook head.)</p> <p>17 Q. Okay.</p> <p>18 A. I was knocked out on the ground.</p> <p>19 Q. Okay. And how about Billy Lewis, do you know</p> <p>20 who that is?</p> <p>21 A. Yes, I know Billy Lewis.</p> <p>22 Q. Okay. What do you recall about Billy Lewis at</p> <p>23 the scene?</p> <p>24 A. Nothing. I don't recall nothing about Billy</p> <p>25 Lewis.</p>
<p style="text-align: right;">Page 46</p> <p>1 all the statements, half of them don't want to be nowhere</p> <p>2 near the scene where the beating took place. That's the</p> <p>3 -- from what I read over the past close to three years I</p> <p>4 been down in prison reading some of the statements. It's</p> <p>5 basically all -- a lot of them just not putting themselves</p> <p>6 on the scene. Don't nobody want to take consequences or</p> <p>7 be responsible for what really actually happened to me.</p> <p>8 Q. But would it be fair to say, you know, you're</p> <p>9 speculating that that's what he's doing here in this</p> <p>10 statement?</p> <p>11 A. When I read everybody's statement, that's --</p> <p>12 Q. I mean, do you have any reason to believe</p> <p>13 that -- or to dispute or any evidence to dispute the fact</p> <p>14 that when he got there, you were already in custody and</p> <p>15 all he did was transport you to jail?</p> <p>16 A. I agree that he did do that.</p> <p>17 Q. Okay, all right. There's also an Agent Rawson</p> <p>18 involved in your pursuit and arrest. Let me see if I can</p> <p>19 find...</p> <p>20 (Pause.)</p> <p>21 (Exhibit 3 marked for identification and</p> <p>22 attached hereto.)</p> <p>23 MS. MALONE: I'm going to hand this to your</p> <p>24 attorney first.</p> <p>25 Q. (By Ms. Malone) And, again, I will give you a</p>	<p style="text-align: right;">Page 48</p> <p>1 Q. Okay.</p> <p>2 A. Where his statement at, though?</p> <p>3 Q. Yeah, I'm going to show it to you.</p> <p>4 MS. MALONE: Will you mark this? I'm going to</p> <p>5 hand it to your lawyer first.</p> <p>6 (Exhibit 4 marked for identification and</p> <p>7 attached hereto.)</p> <p>8 (Pause.)</p> <p>9 THE WITNESS: I've read it.</p> <p>10 MR. SMITH: You read it already?</p> <p>11 THE WITNESS: Yes.</p> <p>12 Q. (By Ms. Malone) Okay. You've seen this</p> <p>13 statement before?</p> <p>14 A. I done had the whole -- I got that whole -- I</p> <p>15 had that whole --</p> <p>16 Q. Yeah. It's actually pretty consistent with your</p> <p>17 testimony so far, the --</p> <p>18 A. Especially his; he told the truth.</p> <p>19 Q. Okay.</p> <p>20 A. He actually -- then he tried to change it. He</p> <p>21 said I got out with my hands up and laid on the ground.</p> <p>22 Q. "He dove out of the passenger door with his</p> <p>23 hands out in front of him and laid facedown on the</p> <p>24 ground"?</p> <p>25 A. Exactly, correct.</p>

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1 Q. Isn't that what you just testified to?
 2 A. That's right.
 3 Q. Yes, sir. He said that they tried to put
 4 handcuffs on you and you were resisting and fighting
 5 officers when they tried to handcuff you?
 6 A. All that is wrong.
 7 Q. Okay. He says that you were having trouble
 8 breathing lying on your stomach. You talked about that
 9 earlier?
 10 A. (Nodded.)
 11 Q. He says the officers rolled Tillman onto his
 12 side to help with breathing; is that -- do you recall
 13 that?
 14 A. I can't recall none of that. I was knocked out.
 15 Q. Okay. He recalls that you asked to stretch your
 16 leg out because it was hurting and you were having trouble
 17 breathing. Do you recall that, requesting to stretch your
 18 leg?
 19 A. No, ma'am.
 20 Q. Lewis said that you told the officers you had
 21 been in a wreck not too long ago and hurt your leg and
 22 chest. Do you remember that -- saying that?
 23 A. No.
 24 Q. Did you have any injuries to your chest in that
 25 prior accident we talked about that hurt your leg?

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1 A. No.
 2 Q. So, again, it sounds like Lewis didn't witness
 3 any force, did not appear to be in a position to intervene
 4 in any force.
 5 I mean, do you have any evidence that he
 6 witnessed the strikes to your face or any of the other
 7 things you have talked about?
 8 A. I can't recall that because...
 9 Q. Okay. That's fair. I don't want you to
 10 speculate or guess.
 11 Since you bonded out of Clarke County on the
 12 charges that resulted from March 21, 2019, have you had
 13 any conversations with any Clarke County deputies or with
 14 the sheriff?
 15 A. No, I haven't.
 16 Q. Have you had any encounters, been pulled over
 17 for a traffic ticket, any --
 18 A. No, ma'am.
 19 Q. Am I correct that you were arrested in July
 20 2019?
 21 A. Yes, I was arrested then.
 22 Q. Who arrested you then?
 23 A. I can't put -- Joey Mosley -- it's his son. I
 24 forgot about that.
 25 Q. It was Joey Molder (sic) or his --

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1 A. His son.
 2 Q. His son. Do you know his son's name?
 3 A. I can't think of it right off.
 4 Q. Is his son a police officer for Enterprise as
 5 well?
 6 A. And Clarke County.
 7 Q. Okay. Does he work for both or just Clarke?
 8 A. I'm not for sure.
 9 Q. Sure. At the time he arrested you, do you know
 10 which agency he was on duty for?
 11 A. The sheriff's department.
 12 Q. Okay. Do you remember what that charge was?
 13 A. A felony eluding.
 14 Q. Was that another chase? Okay. Tell me about
 15 that felony eluding charge. How did that come to be?
 16 A. I was in the car with somebody and they ran from
 17 them.
 18 Q. They ran from Molder (sic)?
 19 A. From -- no, I don't know -- let's just say the
 20 city police.
 21 MR. SMITH: Let me ask you a question about that
 22 charge. Has that charge -- has that charge -- has
 23 anybody been indicted for the particular charge?
 24 MS. MALONE: I'm not sure. I was going to ask
 25 him since it's not our charge.

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1 MR. SMITH: Okay. That's not --
 2 THE WITNESS: No.
 3 MR. SMITH: The guy was never -- you were never
 4 indicted and the guy was never indicted?
 5 THE WITNESS: I wasn't ever indicted on it.
 6 Q. (By Ms. Malone) You were just a passenger in
 7 that car?
 8 A. Yes.
 9 Q. Were you put in Clarke County custody?
 10 A. Yes.
 11 Q. How long did you stay in jail?
 12 A. I stayed in jail because I already had these
 13 charges I'm on -- I was already on, so I didn't go
 14 nowhere. I came straight from there to prison.
 15 Q. And you're not complaining about any treatment
 16 that you had by Clarke County at that time? That's not a
 17 part of this lawsuit at all; is that correct?
 18 A. What you mean?
 19 Q. The July 2019 arrest and incarceration with
 20 Clarke County, you're not saying anything unlawful
 21 happened to you then?
 22 A. Huh-uh.
 23 Q. Okay.
 24 (Pause.)
 25 Q. Okay. After you were at UMC and released back

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1 to Clarke County, did you have any further medical
 2 treatment for the injuries to your right side of your face
 3 and your chest?
 4 A. Yes.
 5 Q. Okay. What was that?
 6 A. Did I follow up?
 7 Q. Yeah. What kind of follow-up care did you have
 8 after UMC?
 9 A. I didn't have to -- I followed up in Birmingham
 10 in UAB.
 11 Q. Okay. Who did you see over there?
 12 A. I can't remember. I seen doctors but I can't
 13 remember their names.
 14 Q. Were you seen at the hospital?
 15 A. At University -- at UAB --
 16 Q. Okay.
 17 A. -- in Birmingham.
 18 Q. What did they treat you for at UAB?
 19 A. Just took the splint off, cleaned that, checked
 20 my face and my eye socket, just kept me updated on what
 21 was going on with the fracture and how everything was
 22 healing.
 23 Q. Were you admitted to the hospital there?
 24 A. No, I wasn't.
 25 Q. How many times were you seen there?

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1 A. Like twice.
 2 Q. Both times for follow-up on your face and --
 3 A. The leg and --
 4 Q. -- the splint?
 5 A. -- the eye, yes, ma'am.
 6 Q. Any more treatment after those UAB visits for
 7 those injuries?
 8 A. No, ma'am.
 9 Q. So you're not under a doctor's care for your
 10 eye, your face, or injuries to your chest right now?
 11 A. No, ma'am.
 12 Q. Okay. Do you have outstanding hospital bills
 13 for those Birmingham UAB visits? Or were they paid?
 14 A. No, I probably got them for Watkins, the
 15 University of Jackson and going to be for Birmingham
 16 pretty much. I'm thinking all three places.
 17 Q. Okay. No other places that you were treated for
 18 injuries arising out of this arrest?
 19 A. Correct.
 20 Q. Okay. Have you discussed your lawsuit with
 21 anybody other than your attorneys?
 22 A. No.
 23 Q. Still have the fiancée that you had in 2019?
 24 A. Yes, correct.
 25 Q. Have you discussed this lawsuit with her?

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1 A. No, not much.
 2 Q. Did she come visit you at Clarke County when you
 3 were incarcerated in March 2019?
 4 A. No, ma'am.
 5 Q. Okay. Anybody in your family that came to visit
 6 who would have been in a position to see your injuries?
 7 A. They didn't let nobody come.
 8 Q. Okay. When you bonded out, did you still have
 9 any visible injuries?
 10 A. Yes.
 11 Q. Anybody come pick you up who would have seen
 12 those?
 13 A. Yes.
 14 Q. Okay. Who would that be?
 15 A. The bail bondsman, Tremaine Moore.
 16 Q. Tremaine Moore?
 17 A. Yes. All the jailers.
 18 Q. Okay. Can you think of any specific jailers
 19 that you had some interactions with?
 20 A. I made bond. I just know her name is Zella Mae
 21 (phonetic).
 22 Q. Zella Mae?
 23 A. Uh-huh. I can't recall who else. I can't
 24 recall what other jailers were there. I just remember
 25 her -- me signing a paper with her, but it was one more.

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1 I just can't recall who it was at the time.
 2 Q. Any friends you would have talked about your
 3 lawsuit with?
 4 A. No, ma'am.
 5 Q. Anybody here in jail in Winston County you've
 6 discussed it with?
 7 A. No, ma'am.
 8 Q. And when you serve out this sentence, what do
 9 you intend to do? Are you going back to Quitman?
 10 A. I don't know.
 11 Q. Do you know of any other folks that Ben Ivy has
 12 used force against when he arrested them?
 13 A. I know he supposedly have a couple of lawsuits
 14 against him and I don't know their names -- I can't call
 15 their names, but I think -- I know he had an incident up
 16 there in Lauderdale County when he was a narcotics up
 17 there in Lauderdale County, which he was forced to resign
 18 or get fired from up there.
 19 Then that's when he was hired by the sheriff's
 20 department, and he have multiple stuff that be coming
 21 against him down there in Clarke County, from my
 22 knowledge. But I don't have the -- I can't just name them
 23 right offhand, though.
 24 Q. Okay. What about those other officers who --
 25 was it Chancellor -- do you know of any other folks that

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1 Chancelor has used force against in arresting them?
 2 A. I can't recall.
 3 Q. How about any Clarke County officers, have you
 4 heard of or have any knowledge of any Clarke County
 5 officer having used excessive force --
 6 A. Yes.
 7 Q. -- in arresting somebody? What's that -- who is
 8 that?
 9 A. I can't remember. They done did it to so many
 10 people. I just can't come off and name all of them. They
 11 done did it a lot.
 12 Q. What deputies do you recall being involved in
 13 something like that?
 14 A. Joey Mosley, Ben Ivy.
 15 Q. Can you think of any person in particular that
 16 Ben Ivy has used force against?
 17 A. Me.
 18 Q. Sure, sure. But anybody other than you, heard
 19 about it in the community or witnessed it?
 20 A. I can't recall no names right now.
 21 Q. Okay. And we talked about Joey actually works
 22 for Enterprise; is that right?
 23 A. Yes.
 24 Q. Any particular reason why you didn't name Joey
 25 Molder (sic) in your lawsuit?

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1 A. I thought he was in there.
 2 Q. And, I mean, you may very well have another
 3 lawsuit against him. I don't know. I'm just wondering.
 4 I don't see him as a named defendant here.
 5 MS. MALONE: All right. That's all I have.
 6 Mr. Smith, if you have some follow-up, I tender the
 7 witness.
 8 MR. SMITH: I just have a couple questions.
 9 EXAMINATION BY MR. SMITH:
 10 Q. One, earlier you mentioned video footage. You
 11 said at trial or at some point, you saw video footage of
 12 the pursuit. Did you see the video footage of the end of
 13 the pursuit or did you see video footage of the entire
 14 pursuit?
 15 A. Just -- I never -- seen this on my motion
 16 discovery. It got Ben within probably miles behind me in
 17 his truck. But when I was getting ready to go to court on
 18 this charge that I'm serving time for, actually that I'm
 19 incarcerated for now, I asked her to go get the videos
 20 from the county jail when I was brought in, when I was
 21 beat, and when all this -- what happened to me and from
 22 the body cams and from the Tahoe that was behind me, which
 23 was Anthony Chancelor and Touchstone, they both -- both of
 24 their Tahoes, plus Ben Ivy's truck that rammed the
 25 driver's side of the car.

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1 And she kept telling me they don't have it, they
 2 don't have it. Kathy McNair said she couldn't show me
 3 none of that.
 4 Q. So do you remember which -- which vehicle had
 5 the video footage that you were able to see?
 6 A. Ben Ivy's truck, which was the one pursuing the
 7 chase, that's in my motion discovery. It show a picture
 8 of him on the interstate, on the four-lane. It can show
 9 me in front of him. That's the only thing I have in my
 10 motion discovery that I have seen.
 11 But I have asked numerous times when I was going
 12 to court on this behalf of what I'm in here serving time
 13 for now, I asked her for all of that, body cams, videos
 14 from the county jail where they didn't book me in, and
 15 from the scene -- the scene where everything supposedly
 16 took place. And she said she couldn't ever get it for me
 17 or none of my medical records. I even signed a paper for
 18 her to send off to my medical records because the
 19 prosecutor kept asking me, just show me -- show me -- you
 20 got some pictures or video? Show me something where they
 21 beat you.
 22 And I guess she was going to plan that -- on
 23 working -- you know, we was going to work something out
 24 for the deal. But my lawyer never got that to me. She
 25 just kept saying, "You go to trial, they're going to find

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1 you guilty, you're going to lose, they're going to" -- so
 2 I was feared. I just went on and took a plea.
 3 Q. You said at one point that you were being
 4 transported from the scene where you were at the end of
 5 the pursuit to the Clarke County jail?
 6 A. Yes.
 7 Q. You said you remember hearing some statements or
 8 somebody said something to you or -- you're a stupid MF-er
 9 or something?
 10 A. Yeah, supposedly -- that was Touchstone. That's
 11 what the statement recalled saying, that was Touchstone,
 12 the one that supposed to transferred me to the county
 13 jail. He was in a new model like Tahoe, so it should be
 14 video footage.
 15 Q. That would be Touchstone; right?
 16 A. Yes.
 17 Q. Do you recall him saying anything else besides
 18 that? Did he just say that one statement or did he say
 19 other statements?
 20 A. He was just cussing me out.
 21 Q. Didn't say anything about someone hitting you or
 22 your condition or anything?
 23 A. No.
 24 Q. What about in jail, when they put you in a cell,
 25 did you overhear anybody say anything about injuries or

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1 anything about what happened post-pursuit?
 2 A. No, they just immediately got me to the
 3 hospital. They put me in a cell, no water on or nothing,
 4 then immediately took me out immediately. I maybe was in
 5 the cell three minutes -- two, three minutes max before
 6 they retrieved me with like eight polices standing in
 7 front of it and stuff, and they're telling me to back back
 8 and get against the wall, and then they immediately
 9 handcuffed me and told me -- I remember the jail
 10 administrator, Barry White, saying, "Get his ass to the
 11 hospital. Get his ass down there."

12 And that's when they took me down to the
 13 hospital, Watkins Hospital, which I was seen and X-rayed
 14 and stuff. But when they got -- as soon as they got the
 15 X-rays back, they called Lauderdale County. I heard the
 16 doctor or nurse say they called Meridian hospitals and
 17 they said they couldn't do nothing for me; I was going to
 18 have to go to Jackson to see a specialist. So that's when
 19 they transferred me immediately to Jackson University.

20 Q. Let me ask you this question. Now, at the end
 21 of the pursuit, you said you were not injured. You had no
 22 injuries. You were fully conscious of what was going on;
 23 correct?

24 A. Correct.

25 Q. And once -- once your vehicle came to a stop,

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1 MR. SMITH: Yeah, we will read and sign.
 2 THE REPORTER: Do you want a copy of it,
 3 Mr. Smith?
 4 MR. SMITH: No.
 5 (Deposition concluded at 11:48 a.m.)
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1 your next action was what? Did you open the door and just
 2 get out or did you stay in the car for a while or did they
 3 tell you to get out?

4 A. No, they -- I actually opened the passenger's
 5 side of the car and got out with my hands in the air and
 6 laid facedown on the ground.

7 Q. And no point did you crawl over the seat or
 8 reach for anything under the seat or anything like that?

9 A. Not at all.

10 Q. The back seat or anything?

11 A. No, I jumped straight out the passenger's
 12 side -- opened the door, jumped straight out, hands up in
 13 the air and laid down on the ground.

14 Q. Okay.

15 MR. SMITH: I have no other questions.

16 MS. MALONE: Okay. Again, I just want to put on
 17 the record that I have not received plaintiff's
 18 responses to interrogatories or responses to requests
 19 for production, and so anticipating that there's
 20 going to be perhaps more sworn testimony and more
 21 documents to come, I'm just going to leave this
 22 deposition open should I need to question him about
 23 those responses.

24 MR. SMITH: Okay.

25 THE REPORTER: What about reading and signing?

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CERTIFICATE OF DEPONENT

1 I, Marquise Tillman, deponent in this
 2 deposition, hereby certify that I have examined the
 3 foregoing 63 pages and find them to contain a full, true,
 4 and accurate transcription of the testimony as given by me
 5 on August 20, 2021, in Louisville, Mississippi.

6 Page Line Correction (If Any)

7 _____

8 _____

9 _____

10 _____

11 _____

12 _____

13 _____

14 _____

15 This the _____ day of _____, 2021.

16 _____

17 MARQUISE TILLMAN

18 State of Mississippi

19 County of _____

20 Sworn to and subscribed before me, this the _____ day
 21 of _____, 2021.

22 _____

23 NOTARY PUBLIC

24 MY COMMISSION EXPIRES _____
 25

1 CERTIFICATE OF COURT REPORTER

2 I, Kelly D. Brentz, Court Reporter and Notary
3 Public in and for the County of Madison, State of
4 Mississippi, do hereby certify that the foregoing 63
5 pages, and including this page, contain a true and
6 accurate transcription of the testimony of Marquise
7 Tillman, taken by me in the aforementioned matter at the
8 time and place heretofore stated, by stenotype and later
9 reduced to typewritten form under my supervision by means
10 of computer-aided transcription.

11 I further certify that under the authority
12 vested in me by the State of Mississippi that the witness
13 was placed under oath by me to truthfully answer all
14 questions in this matter.

15 I further certify that I am not in the employ of
16 or related to any counsel or party in this matter and have
17 no interest, monetary or otherwise, in the final outcome
18 of this proceeding.

19 Witness my signature and seal this the 6th day
20 of September 2021.

21

22

23 _____
KELLY D. BRENTZ, CSR #1518

24

25 My Commission Expires: February 1, 2023

A	anonymous (1) 17:11	Avenue (1) 15:12	best (1) 4:18	bruised (1) 34:5
	Anthony (16) 16:7;19:21,24;20:13, 14;22:7,10;23:3,5,15, 22;25:1,6,25;26:4; 58:23	aware (1) 18:18	better (1) 4:21	brung (1) 15:17
	anticipating (1) 62:19	awkward (1) 38:2	bills (1) 54:12	brutality (1) 42:6
	anyone (1) 34:19	B	Billy (4) 47:19,21,22,24	building (2) 38:1,5
	Apartments (1) 15:18	back (34) 11:18;12:14,16; 15:13,15,16;19:7; 20:14,16,21;23:18; 24:5,6,6;25:19,21; 27:20;28:1;29:18; 31:22;32:3,4,7,15; 39:14;40:1,19;41:18; 52:25;56:9;61:7,7,15; 62:10	Birmingham (4) 53:9,17;54:13,15	bunch (2) 8:10,12
	appear (1) 50:3	bad (7) 26:13;27:3;30:15; 31:4;33:24,25;34:5	birth (1) 5:19	bushes (1) 36:11
	Approximately (1) 10:1	bail (1) 55:15	bit (3) 21:2;32:22;42:3	busted (1) 19:7
	AR-15 (2) 17:14,15	ballpark (1) 15:14	bitch (4) 23:16,23;25:4,22	C
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